

Washington State Department of Health  
Wastewater Management Program

**On-Site Rule Development Committee Meeting  
Agenda**

Wednesday, May 22, 2002  
Occupational Skills Center  
SeaTac, Washington

		<b>Topic</b>	<b>Outcome</b>
10:00	:20	Welcome	
10:20	:30	Agree on process for working through issues	Decision
10:50	1:10	Prioritize issues for RDC discussion	Decision
12:00	:30	Lunch	
12:30	2:15	Regulatory framework for alternative and proprietary products	Discussion and decision
2:45	:15	Debrief the day	Discussion
3:00		Adjourn	

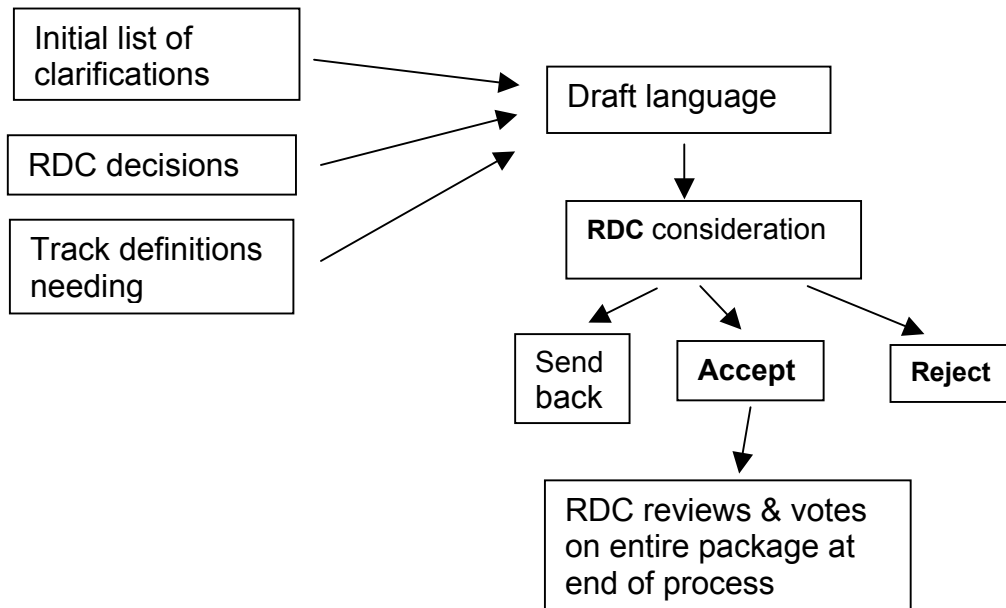
ON-SITE RULE DEVELOPMENT COMMITTEE NOTES  
Meeting 3  
22 May 2002

Square brackets indicate text inserted (by Eric Svaren) for clarification.

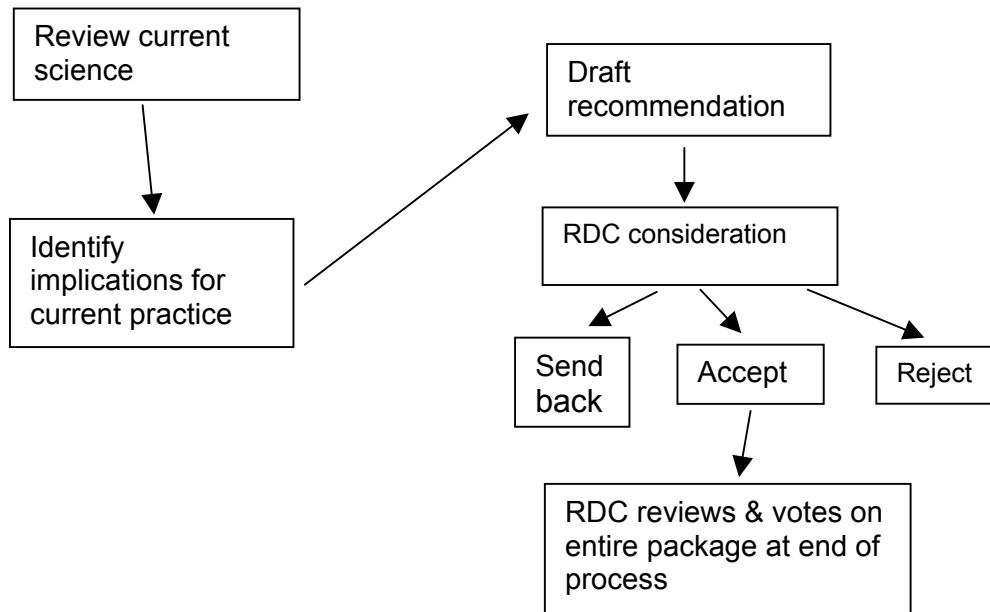
**Process decisions [the following were approved by the RDC]**

- RDC, TRC & rule writing processes
- Proposed division of issues [among RDC, TRC, rule writing]
- First issue [Alternative and proprietary products] OK?
- Authorization of TRC and Kelly
- Kelly and TRC check-ins every meeting
- SEPA/Clean Water Act issue: Kelly and Doug to consider and report to RDC in July

**Kelly's process (rulewriting)**



## TRC process



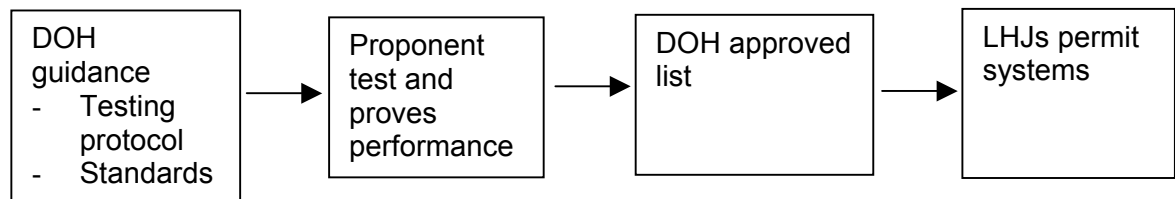
## RDC process

- Agree on process for addressing issues
- Prioritize RDC's issues
- Start on first issue
  - Check understanding
  - Identify interests
  - Identify options
    - No change
    - Rule change
    - Guidance
    - Other?
  - Develop criteria and test options
  - Decision
- Next issue

## Issue 1A: Change approval process for alternative systems

### Interests

- Single clear way to approve alternative systems
- DOH needs testing protocol to withstand challenge
- Be responsive to new techniques as they come along
- Distinguish between education/best practice of alternative systems (guidance to LHJs) and approval of a given product
- Public health impact “on the ground” (reality check) is considered
- Mandatory maintenance/inspection of systems installed



## Issue 1A/1C [direction to staff to develop proposal]

- Approval process → rule
- Testing standards → rule
- Distinguish between proprietary and alternative systems
  - Approval process
- Make sure it describes process for delisting

## Issue 1B [direction to staff]

- Maintain DOH approval of alternative systems in rule
- LHJ use of alternative systems in guidance

[Overarching guideline:]

As much in guidance as is legally possible

## Next meetings

Wednesday, July 17, 2002

1. Review draft language
2. TRC report
3. 1A: Should we change the approval process for alternative systems (including proprietary systems)?
4. 1B: Should the guidelines for approval of alternative systems be maintained or moved into rule?
5. 1C: Should performance testing standards for new alternative system products be moved from guidance to rule?
6. 2. Should the requirements for LHJs to designate Areas of Special Concern (e.g., shellfish, drinking water, aquifers, etc) be retained or changed?
7. 3. Should DOH continue to approve experimental systems as currently in the rule?

Thursday, September 19, 2002

1. Review draft language
2. TRC report
3. 4A: Should the role of LHJs in administering O&M of existing systems be changed?
4. 4B: Should the mandated monitoring schedule and O&M procedures (including management of septage) be changed?
5. 4C: Should the design requirements for new systems be changed to facilitate O&M activities (e.g., inspection ports)?

Thursday, October 24, 2002

1. Review draft language
2. TRC report
3. 5A: Should the detailed requirements for how LHJs permit and inspect systems under 3,500 GPD be retained or changed?
4. 5B: Should the requirements for how LHJs grant waivers from system requirements be changed?

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Thursday, December 12, 2002

1. Review draft language
2. TRC report
3. 6A: How should direct services by DOH (e.g., fee for service) be financially supported?
4. 6B: What should the role be for DOH in certification of on-site practitioners other than designers (e.g., installers, pumpers, O&M)?
5. 6C: Should DOH retain or change the requirements to maintain the Technical Review Committee and the On-Site Advisory Committee?

Thursday, January 23, 2003

1. Review draft language
2. TRC report
3. 7: Do the requirements for (1) repair of failures, (2) connecting to sewer, and (3) abandoning on-site sewage systems need to be changed?

Thursday, March 13, 2003

1. Review draft language
2. TRC report

Thursday, May 8, 2003

1. Review full proposal to BOH
2. BOH process
3. RDC wrap-up

## Debriefing

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<ul style="list-style-type: none"><li>• Directive, more fruitful, more structure</li><li>• Process charts</li><li>• Glad to be done planning “process”</li></ul>	<ul style="list-style-type: none"><li>• Get up to speed</li><li>• Decide early if we are sending stuff to staff</li><li>• More assignments<ul style="list-style-type: none"><li>• Experimental systems</li><li>• Areas of special concern</li><li>• O&amp;M</li></ul></li><li>• Identify and decide on forks in the road</li></ul>

## **Key Issues for On-Site Rule Development & Revision—**

**Introduction:** Comments submitted by members of the Rule Development Committee (RDC) and the recommendations of the On-site Advisory Committee (OAC) have been reviewed and assimilated into the following key issues. These include seven key issues for the RDC to discuss for policy direction, issues for the TRC to develop and bring back to the RDC, and issues for Kelly Cooper to begin preliminary editorial and administrative drafting. Questions relating to the seven key RDC issues have been developed for discussion by the RDC at their May 22, 2002 meeting.

### **Key Issues for RDC:**

- ▷ **Alternative & Proprietary Products**
  - *Should we change the approval process for alternative systems (including proprietary systems)?*
  - *Should the guidelines for approval of alternative systems be maintained or moved into rule?*
  - *Should performance testing standards for new alternative system products be moved from guidance to rule?*
- ▷ **Areas of Special Concern (ASC)**
  - *Should the requirements for Local Health Jurisdictions (LHJs) to designate Areas of Special Concern (e.g., shellfish, drinking water, aquifers, etc) be retained or changed?*
- ▷ **Experimental Systems**
  - *Should DOH continue to approve experimental systems as currently in the rule?*
- ▷ **Operation & Maintenance**
  - *Should the role of LHJs in administering O&M of existing systems be changed?*
  - *Should the mandated monitoring schedule and O&M procedures (including management of septage) be changed?*
  - *Should the design requirements for new systems be changed to facilitate O&M activities (e.g., inspection ports)?*
- ▷ **Permitting & Inspecting**
  - *Should the detailed requirements for how LHJs permit and inspect systems under 3,500 GPD be retained or changed?*
  - *Should the requirements for how LHJs grant waivers from system requirements be changed?*
- ▷ **Program Support**
  - *How should direct services by DOH (e.g., fee for service) be financially supported?*

- *What should the role be for DOH in certification of on-site practitioners other than designers (e.g., installers, pumpers, O&M)?*
- *Should DOH retain or change the requirements to maintain the Technical Review Committee and the On-Site Advisory Committee?*

▷ **Repair of Failures**

- *Do the requirements for 1) repair of failures, 2) connecting to sewer, and 3) abandoning on-site sewage systems need to be changed?*

**Key Issues for TRC:**

▷ **Up-to-date Technical Information & Requirements**

To assist the Rule Development Committee, the Technical Review Committee will assess the current status of the science and technology of on-site sewage treatment and disposal. On the basis of the TRC work, the RDC will be able to identify if any of the existing standards for location, soil and site evaluation, design, installation, expansion, or minimum land area need to be changed for the rules to reflect up-to-date scientific knowledge.

**Key Issues for Rule Writing:**

▷ **Rule Writing**

Kelly Cooper will assist the Rule Development Committee in the rule writing. In addition to placing into text the requirements, conditions and processes that will implement the policy direction from the RDC, Kelly will address a variety of other related issues. The following items will continually be addressed:

- The requirements of the Administrative Procedures Act and current standards of practice for rules.
- The need for clearly written and easily understood administrative rules.
- Consistency with other applicable or related state statutes and administrative codes.
- Clear and meaningful use and definition of terminology used in administrative rules:

Several subsections of the on-site sewage system rule have been identified as relating to these issues. The issues identified by members of the RDC and others have been assigned to Kelly for her to initially address. DRAFT rule documents will be reviewed, discussed, and approved by the RDC in the course of the rule development activities.

▷ **Large On-Site Sewage Systems**

In response to the department's decision to maintain the "status quo" regarding Large On-Site Sewage Systems (LOSS) until the second phase of on-site rule development, Kelly Cooper will develop a new chapter, WAC 246-272A Large On-site Sewage Systems. This DRAFT document will be available for RDC review during the course of the rule development activity.

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Subject:  
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Keywords:  
Comments:  
Creation Date: 7/1/2002 12:36 PM  
Change Number: 6  
Last Saved On: 7/10/2002 12:35 PM  
Last Saved By: DXJ0303  
Total Editing Time: 24 Minutes  
Last Printed On: 7/10/2002 12:35 PM  
As of Last Complete Printing  
Number of Pages: 9  
Number of Words: 1,277 (approx.)  
Number of Characters: 7,279 (approx.)